IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23063 of 2004

Between:

Bogiri Chenchu Lakshmi W/o.Rama Rao
Stuartpuram, Bapatla (M),
Guntur Dist.

..... PETITIONER

AND

1 Dist Collector (Panchayat Wing)
Guntur Dist, Guntur.
2 Gajula Harinatha Rao S/o.Kesava Rao
Gram Panchayat, Stuartpuram,
Bapatla (M), Guntur Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the respondent No.1 in not taking any action against the 2nd respondent pursuant to representations dt 8-4-2004 and 21-11-2004 as illegal, arbitrary unjust and consequently prevent the Respondent No.2 herein from conducting auction of sand from the lands in Sy.No.990 and 991 of Staurtpuram Village, Bapatla Mandal, Guntur Dist, and to pass such other order or orders.

Counsel for the Petitioner:MR.V.R.MACHAVARAM

Counsel for the Respondent No.1 : GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be a Gram Panchayat member. It is stated in the affidavit filed in support of the writ petition that the second respondent who is sarpanch of the Gram Panchayat, in violation of the ban imposed by the District Collector, has resorted to illegal auction of the sand and misappropriated an amount of Rs.3,00,000/- and that a representation was made to the District Collector and after conducting an enquiry the District Collector has cancelled the cheque power of the second respondent. It is further stated that the second respondent is continuing to auction the sand from the lands of scheduled tribe community persons in Survey Nos. 990 and 991 and that representations dated 8-4-2004 and 21-11-2004 were made to the District Collector and it is alleged that no action was taken on the said representations. Hence this writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

Admittedly, pursuant to representation of the petitioner and others, an enquiry was initiated against the second respondent and action was also taken thereafter. However, in case, the petitioner has any grievance in connection with illegal quarrying of the sand, he can as well raise and discuss the same in the Panchayat meeting. The Gram Panchayat, as a representative body is competent to discuss the issue of illegal quarry of sand and such other matters. The petitioner cannot invoke the extraordinary jurisdiction of this Court and convert this Court as a Forum to discuss and adjudicate such matters. In these circumstances, there are no merits in the writ petition.

Accordingly, the writ petition is dismissed at the stage of admission.

_____ N.V.RAMANA,J

28-12-2004

TVK

To

1 Dist Collector (Panchayat Wing)
Guntur Dist.
2 Gajula Harinatha Rao S/o.Kesava Rao
Gram Panchayat, Stuartpuram,
Bapatla (M), Guntur Dist.

3.2CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

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